IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 18004 of 2007(R)

PETITIONER:

K.V.SHEEBA, H.S.A(MAL), SANSKRIT HIGH SCHOOL, VATTOLI, VADAKARA, KOZHIKODE DISTRICT.

BY ADV. SRI.R.K.MURALEEDHARAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY SECRETARY, GENERAL EDUCATION DEPARTMENT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION, THIRUVANANTHAPURAM.

3. THE DISTRICT EDUCATIONAL OFFICER, VADAKARA.

BY GOVT. PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO. 18004 OF 2007

Dated this the 18th day of June, 2007

J U D G M E N T

Petitioner claims that she was appointed as Upper Primary School Assistant (Malayalam) in Sanskrit High School, Vattoli, under the management of additional respondent No.4 with effect from June 9, 2004 in a vacancy which arose consequent on promotion of Sri. Rajeevan as HSA. Though approval for the appointment was refused to be granted for some time, it was ultimately granted as revealed from Ext.P1 order dated March 2, 2007.

2. It is contended by petitioner that she had become qualified to be appointed as HSA (Malayalam) from June 5, 2006 onwards while she was waiting for approval of her appointment as LPSA. According to the petitioner, she was in fact appointed as HSA in terms of Ext.P2 order. However, her appointment as HSA is not being approved on the ground that the institution being treated as an oriental school, permission from the Government has to be obtained for appointing her as HSA (Malayalam).

3. I do not propose to deal with the above contention at this stage in view of the limited prayer made by learned counsel for the petitioner at the Bar. He submits that petitioner has preferred Ext.P12 representation before respondent No.1 in which she has highlighted all the relevant aspects of the issue. The limited prayer made in this writ petition is also only to issue an appropriate direction to respondent No.1 to consider and pass orders on Ext.P12 expeditiously. However, learned counsel submits that petitioner is not being paid even the salary of an Upper Primary School Assistant. In the peculiar facts and circumstances, I am of the view that respondent No.1 has to be directed to take a decision in the matter with utmost expedition.

Therefore, the writ petition is disposed of with a direction to respondent No.1 to consider and pass orders on Ext.P12 strictly on its merit and in accordance with law, as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment. Since appointment of the petitioner as Upper Primary School Assistant has been approved, I do not find any reason why the Government shall not consider her request for disbursement of salary attached to the above post pending

consideration of her application for approval as HSA. In the meanwhile, the petitioner shall be paid salary attached to the post of UPSA on her executing a bond undertaking to reimburse the same if ultimately it is found that she is not entitled to draw the same. The amount shall be disbursed to the petitioner by respondent No.3 within one month from today.

Needless to mention, petitioner and the manager are afforded sufficient opportunity to be heard before any decision is taken on Ext.P12. Petitioner shall produce a certified copy of this judgment along with a copy of the writ petition before respondent Nos.1 & 3 for compliance.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007